EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2007-1880-PST-E **TCEQ ID:** RN101544252 and RN101564433 **CASE NO.:** 34981 **RESPONDENT NAME:** Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37

ORDER TYPE:									
X 1660 AGREED ORDER	FINDINGS AGREED ORDER								
FINDINGS DEFAULT ORDERSHUTDOWN ORDERIMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER									
_AMENDED ORDEREMERGENCY ORDER									
CASE TYPE:									
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE							
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION							
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL							
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION							
SITE WHERE VIOLATION(S) OCCURR Rendon Bloodworth Road, Mansfield, Tarrar TYPE OF OPERATION: Convenience stor	·	sfield, Tarrant County; Kold Spot 37, 7414							
SMALL BUSINESS: X Yes	No								
OTHER SIGNIFICANT MATTERS: Then these facility locations.	re are no complaints. There is no record of additiona	al pending enforcement actions regarding							
INTERESTED PARTIES: No one other the	an the ED and the Respondent has expressed an inte	rest in this matter.							
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on June 16, 2008. No	comments were received.							
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Ben Fayyaze, President, Best Mart, Inc., P.O. Box 2429, Granbury, Texas 76048 Respondent's Attorney: Not represented by counsel on this enforcement matter									

DOCKET NO.: 2007-1880-PST-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$27,980 **Corrective Actions Taken:** Complaint X Routine Total Deferred: \$5.596 The Executive Director recognizes that the ___ Enforcement Follow-up X Expedited Settlement Respondent has implemented the following corrective measures at the Records Review Financial Inability to Pay Stations: Date(s) of Complaints Relating to this a. Kold Spot 32 Station: SEP Conditional Offset: \$0 Case: None i. The TCEQ DFW Regional Office Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$649 (remaining \$21,735 due in 35 monthly received documentation verifying that the Case: October 2, 2007 Respondent implemented a process for payments of \$621 each) reporting a suspected release on Date of NOV/NOE Relating to this Case: December 12, 2007; November 2, 2007 and November 13, RN101544252 2007 (NOE) Site Compliance History Classification ii. The TCEQ DFW Regional Office High X Average Poor received documentation verifying that the Background Facts: This was a routine Respondent investigated the suspected investigation. Person Compliance History Classification release and implemented appropriate High X Average Poor corrective measures on November 28, WASTE 2007; RN101564433 Kold Spot 32 Station: Site Compliance History Classification iii. The TCEO DFW Regional Office High X Average Poor received documentation verifying that the 1) Failure to report a suspected release to Respondent began conducting proper the agency within 24 hours of discovery. Person Compliance History Classification Specifically, inventory control records for inventory control procedures and __ High X Average __ Poor implemented a release detection method September 2006 indicated a suspected on December 7, 2007; release was not reported [30 Tex. ADMIN. CODE § 334.72]. Major Source: Yes X No iv. The TCEO DFW Regional Office received documentation verifying that the 2) Failure to investigate a suspected release Applicable Penalty Policy: September 2002. Respondent submitted an amended UST within 30 days of discovery. Specifically, registration to the TCEQ on December 11, inventory control records for September 2007; 2006 indicated a suspected release that was not investigated [30 Tex. ADMIN. CODE § v. The TCEQ DFW Regional Office 334.74]. received documentation verifying that the Respondent began maintaining Stage II 3) Failure to provide a method of release records on-site on December 7, 2007; detection capable of detecting a release from any portion of the underground vi. The TCEQ DFW Regional Office storage tank ("UST") system which contained regulated substances [30 Tex. received documentation verifying that one Station representative successfully ADMIN. CODE § 334.50(a)(1)(A) and TEX. completed the required Stage II training WATER CODE § 26.3475(c)(1)]. and each current employee received inhouse Stage II training on December 7, 4) Failure to conduct reconciliation of 2007; and detailed inventory control records at least once each month sufficiently accurate to vii. The TCEQ DFW Regional Office detect a release as small as the sum of 1.0 received documentation verifying that the percent of the total substance flow-through Respondent properly installed drop tubes for the month plus 130 gallons [30 Tex. on December 11, 2007. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)].

3) Failure to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)]. 4) Failure to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, registration was not updated to reflect the current release detection method, Stage I, and Stage II equipment information [30] TEX. ADMIN. CODE § 334.7(d)(3)]. 5) Failure to maintain Stage II records at the Station and make them available for inspection upon request by Commission personnel. Specifically, the Stage II maintenance records, test results, and a copy of the CARB Executive Order were not available for review at the time of the investigation [30 Tex. ADMIN. CODE § 115.246(1), (5), and (7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 6) Failure to ensure that at least one Station representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system and that each current employee received in-house Stage II training regarding the purpose and operation of the vapor recovery system. Specifically, Stage II training for the Station representative and the employees had not been completed [30 Tex. ADMIN. CODE § 115.248(1) and Tex. Health & Safety Code § 382.085(b)].

Additional ID No(s):: 14194 and 47025

- 5) Failure to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current release detection method [30 Tex. ADMIN. CODE § 334.7(d)(3)].
- 6) Failure to maintain Stage II records at the Station and make them available for inspection upon request by Commission personnel. Specifically, a copy of the California Air Resources Board ("CARB") Executive Order was not available for review at the time of the investigation [30 Tex. Admin. Code § 115.246(1), (7)(a), and Tex. Health & Safety Code § 382.085(b)].
- 7) Failure to ensure that at least one Station representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system and that each current employee received in-house Stage II training regarding the purpose and operation of the vapor recovery system. Specifically, Stage II training for the Station representative had not been completed [30 Tex. ADMIN. Code § 115.248(1) and Tex. Health & Safety Code § 382.085(b)].
- 8) Failure to comply with emission control requirements by failing to properly install the submerged fill tubes within six inches from the bottom of the tank. Specifically, the submerged drop tubes on the mid grade and super unleaded tank had eleven inches clearance from the bottom of the tanks [30 Tex. Admin. Code § 115.222(1) and Tex. Health & Safety Code § 382.085(b)].

Kold Spot 37 Station:

- 1) Failure to conduct effective manual or automatic monthly inventory control procedures for the USTs at the Station [30 Tex. Admin. Code § 334.48(c)].
- 2) Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order and free of defects that would impair the effectiveness of the system. Specifically, the devices were not installed to prevent loosening or over tightening of the Stage I equipment [30 Tex. ADMIN. Code § 115.242(3)(A) and Tex. Health & Safety Code § 382.085(b)].

- b. Kold Spot 37 Station:
- i. The TCEQ DFW Regional Office received documentation verifying that the Respondent began conducting proper inventory control procedures and implemented a release detection method on December 11, 2007;
- ii. The TCEQ DFW Regional Office received documentation verifying that the Respondent installed appropriate devices to prevent loosening or over-tightening of the Stage I equipment on December 7, 2007;
- iii. The TCEQ DFW Regional Office received documentation verifying that the Respondent implemented a release detection method on December 11, 2007;
- iv. The TCEQ DFW Regional Office received documentation verifying that the Respondent submitted an amended UST registration to the TCEQ on December 12, 2007;
- v. The TCEQ DFW Regional Office received documentation verifying that the Respondent began maintaining Stage II records on-site on December 7, 2007; and
- vi. The TCEQ DFW Regional Office received documentation verifying that one Station representative successfully completed the required Stage II training and each current employee received inhouse Stage II training on December 7, 2007.

Policy Revision 2 (Septe	•	Calculation	n Works	sheet (P	CW)	vember 6, 2007
TCCO Policy Revision 2 (Septe	mber 2002)	***************************************			, , , , , , , , , , , , , , , , , , , ,	70
	21-Nov-2007 25-Feb-2008 Screening	28-Nov-2007	EPA Due			
RESPONDENT/FACILITY I	NEODMATION	era y m		2012 N. 18 18 18 18 18 18 18 18 18 18 18 18 18		
Respondent	Best Mart, Inc. dba Kold Sp	oot 37			7.00.51	7
Reg. Ent. Ref. No.	RN101564433					
Facility/Site Region 4	l-Dallas/Fort Worth		Major/	Minor Source	Minor	
					· · · · · · · · · · · · · · · · · · ·	
CASE INFORMATION	24004	<u> </u>	Messaga Aga No	of Violations	le .	- Towards or the second
Enf./Case ID No. 3	2007-1880-PST-E		NO.	Order Type		┪ !
	Petroleum Storage Tank		Enf	. Coordinator		7
Multi-Media				EC's Team	Enforcement Team 6	
Admin. Penalty \$ Li	mit Minimum \$0	Maximum	\$10,000	***************************************	***************************************	
	Pena	alty Calcula	tion Sec	tion		age-countries
TOTAL BASE PENAL	TV (Sum of violation	hase penaltie	s)		Subtotal 1	\$9,000
TOTAL DAGE I LIVAL	i i (oaim oi violation	bass ponding	-1			We constitute the same of the
ADJUSTMENTS (+/-) 1	TO SUBTOTAL 1					- material Alectrical
Subtotals 2-7 are obtained	ed by multiplying the Total Base P			centage.	**************************************	\$0
Compliance Histor	ry	0%	Enhancement	Subti	otals 2, 3, & 7	Φ 0
Notes	No adjustme	ent due to complia	ance history.			497
Notes	140 dajdoini	ont duo to compile	2,,00 (010.).			PAPA CO
			1 - 1 - 0.0	Workloom of the country of		\$0
Culpability	No	0%_	Enhancement		Subtotal 4	φυ
Notes	The Respondent of	does not meet the	culpability cr	iteria.		100
Cood Epith Effort	to Comply	10%	Reduction		Subtotal 5	\$900
Good Faith Effort		RP/Settlement Offer	Reduction		arter	
Extraordinary	Boldiottov	7				and the second s
Ordinary	X					A STATE OF THE STA
N/A	(mark with x)		/****		7	on or other particular and the p
Notes	The Respondent came	into compliance	on Decembe	12, 2007.		A. Canadan
]	ACCOUNTS OF THE PROPERTY OF TH
		0%	Enhancement*		Subtotal 6	\$0
the shape and a shape	Total EB Amounts \$42		at the Total EB	\$ Amount		
Approx. C	ost of Compliance \$4,100					williams y
	19일부드라고 11일 : 기계(19) (1997)			Saler Piete La Jacks		\$8,100
SUM OF SUBTOTALS	11- <i>(</i>				Final Subtotal	ψ0,100
OTHER FACTORS AS	HISTICE MAY DECI	IIIDE	0%	Registration of the second	Adjustment	\$0
Reduces or enhances the Final Su			0.70	MARKETER	Adjustinent	
	<u> </u>					gen year
Notes						
		<u>, in the second of the second</u>	أسيناه والمستوالية	بعين والمالين	J	* 0.400
				Final Pe	nalty Amount	\$8,100
			induser of the 1997	TERRELEGICA (ET ESTE)		\$8,100
STATUTORY LIMIT A	DJUSTMENT			Final Asse	essed Penalty	\$0,100
		e i ja ja ve ve Kenjal	200/	Reduction	Adjustment	-\$1,620
DEFERRAL Reduces the Final Assessed Pena	alty by the indicted percentage (F	Enter number only: e a	20% 20 for 20% red	The Artist of the Artist Annual State (All States and All States a	Adjustment	-ψ1,020
neduces the rinal Assessed Pena	ity by the muloted percentage. (E	inci namber only, e.g	0 101 2070 100			
Notes	Deferral off	fered for expedited	d settlement.			
1,0100	# = - + 3 · #1* = 3 ·	American State (1987)		•		
L	·					
PAYABLE PENALTY					Displace and the second se	\$6,480

Screening Date 28-Nov-2007

Docket No. 2007-1880-PST-E

PCW

Respondent Best Mart, Inc. dba Kold Spot 37

Case ID No. 34981

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101564433

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Compliance History Worksheet

		Written NOVs with same or similar violations as those in the current enforcement action		00,
	NOVs	(number of NOVs meeting criteria)	0	0%
		Other written NOVs	0	0%
	1	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	Ö	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
İ	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0 44, 445	0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Addito	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	 	Please	Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Julion	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
		Adjustment Pe	rcentage (S	ubtotal 2)
Repe	at Violator (Su	btotal [3] 全体中华科学	William Constitution	
	No	Adjustment Pe	rcentage (S	ubtotal 3) 🗌
Com	oliance History	Person Classification (Subtotal 7)		
	Average P	erformer Adjustment Pe	rcentage (S	ubtotal 7)
Comp	oliance History	Summary	ting of the Co.	
	Compliance History Notes	No adjustment due to compliance history.		
		Total Adjustment Percentage (

Screening Date	28-Nov-2007	Docket No.	2007-1880-PST-E	# PCW
Respondent	t Best Mart, Inc. dba Kold Sp	ot 37	foo	Policy Revision 2 (September 2002)
Case ID No	. 34981			PCW Revision November 6, 2007
Reg. Ent. Reference No	. RN101564433			
-	Petroleum Storage Tank			
Enf. Coordinator				100
Violation Number	r 1			
Rule Cite(s				
Naie Oite(5	'	30 Tex. Admin. Code § 33	4.48(c)	
Violation Description	Failed to conduct effective	manual or automatic mor for the USTs at the Sta	nthly inventory control proced tion.	ures
			Base Pe	nalty \$10,000
>> Environmental, Property	and Human Health Mat	rix ar alangas i Anglistic	Control of September 19	TATALAN TATALA
	Harm			
Release	1	Minor		
OR Actua			Percent 25%	
Potentia			Percent 25%	
>>Programmatic Matrix Falsification	ı Major Moderate	Minor		
Faisincation	ı Major Moderate		Percent 0%	
L			5/3	
Matrix Human hea	alth or the environment will or e protective of human health	could be exposed to pollu or environmental receptor	utants which would exceed lers as a result of the violation.	vels
ialisi Tanggari Magazi Kasalang Bangari Anggari Managari	244 (340/24 (360/44))	State Carlonal Carlo	Adjustment \$	7,500
				\$2,500
Violation Events				ψ2,5000
Number of V	iolation Events 1	58	Number of violation days	
. mark only one with an x	daily monthly quarterly x semiannual annual single event		Violation Base Pe	enalty \$2,500
One quarte	rly event is recommended ba 2007 investigation to	sed on documentation of the November 28, 2007 s	the violation during the Octob creening date. Statutory Limit Test	per 2,
30130189-11398886 A4498-2 31111-0400000 000000000000000000000000000		ф <u>г</u>]		Total \$2.250
Estimate	ed EB Amount	\$5	Violation Final Penalty	Total \$2,250
		his violation Final Asses	ssed Penalty (adjusted for li	imits) \$2,250

		conomic	Benefit W	lork:	sheet 😘 😪		9
Respondent		dba Kold Spot 37					
Case ID No.	34981						
Reg. Ent. Reference No.	RN101564433						
Media	Petroleum Stor	age Tank				Lander of the second	Years of
Violation No.		-9				Percent Interest	Depreciation
violation ito:	in the second				Tar Spath vigigi	- 1	
			Salar Bullin			5.0	······································
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					Carlotte State	
				٠			
Delayed Costs				grander i			
Egulpment				0.0	\$0	\$0	\$0
Bulldings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			\$ 1 1	0.0	\$0	\$0	\$0
Land		<u> </u>		0,0	\$0	n/a	\$0
Record Keeping System	\$500	2-Oct-2007	11-Dec-2007	0.2	\$5	n/a	\$5
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		A. A.	date is the	e date of	f compliance.	d is the investigation	
Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before			one-time avoided c	
Disposal	1 1 2 1 2 1 2 1 2 1		alegation of property of	0,0	\$0	\$0	\$0
Personnel				0,0	\$0	- \$0	\$0
Inspection/Reporting/Sampling			industrial states	0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	3.8.5.			0.0	\$0	\$0	\$0
Other (as needed)		lla en	Hollo Shiroliston and America	0.0	\$0	\$0	\$0
Notes for AVOIDED costs	kanton ja kana i				ing the state of t		
ц							

Screening Date	28-Nov-2007	Docket No. 2007-1880-PST-E	PCW
Respondent	Best Mart, Inc. dba Kold Spot 37	Po	licy Revision 2 (September 2002)
Case ID No.	34981		PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN101564433		
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator	Judy Kluge		
Violation Number	2		
Rule Cite(s)	30 Tex. Admin. Code § 115.242	(3)(A) and Tex. Health & Safety Code § 382.085(I	o)
Violation Description	specified by the manufacturer and ("CARB") Executive Order and free system. Specifically, the device	oor recovery system in proper operating condition nd/or any applicable California Air Resources Boa e of defects that would impair the effectiveness of es were not installed to prevent loosening or over- g of the Stage I equipment.	rd the
		Base Per	salty \$10,000
>> Environmental, Property a	and Human Health Matrix Harm		
Release		nor	hard Chamberton
OR Actual			,
Potentia	X	Percent 10%	
PART TO LOCATION OF THE PART O	allegates provided (see Miller IIII) in the Article designed department of the continue of the continue of the	**************************************	
>>Programmatic Matrix			
Falsification	Major Moderate Mir		
1994年		Percent 0%	
Matrix Notes Human hea would not ex	cceed levels that are protective of hu	ne exposed to significant amounts of pollutants who Iman health or environmental receptors as a resuviolation.	ich It of .
		Adjustment \$9	,000
			\$1,000
Violation Events		till man til skrivette skrivette skrivette skrivette skrivette skrivette skrivette skrivette skrivette skrivet	
Number of Vi	eletion Events 1	58 Number of violation days	
Number of VI	olation Events 1	Number of violation days	
mark only one	daily monthly quarterlyx	Violation Base Per	nalty \$1,000
with an x	semiannual annual single event		
One quarte	rly event is recommended based on 2007 investigation to the No	documentation of the violation during the Octobe ovember 28, 2007 screening date.	г2,
Economic Benefit (EB) for th	nis violation	Statutory Limit Test	
Estimate	d EB Amount	\$6 Violation Final Penalty	Fotal \$900
	b		-:4-)
	This vi	olation Final Assessed Penalty (adjusted for li	nits) \$900

	aleres cest E	conomic I	Benefit W	orks	sheet	es qual proces	538
Responden	t Best Mart, Inc.	dba Kold Spot 37					
Case ID No	. 34981	,				and the second second	
Reg. Ent. Reference No	. RN101564433						
Media	Petroleum Stor	age Tank				Barrier	Years of
Violation No		•				Percent Interest	Depreciation
					er e gagistroyti	5.0	, . 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Unetime Costs	EB Amount
							ED AIIIUUIII
Item Description	n No commas or \$	Same of the	Messel such transfer.	Rednu	and with the second		
Delayed Costs	\$ _{p. 10. 20. 20. 20. 20. 20. 20. 20. 20. 20. 2}	وليتماث والمتحديق والمساور	additional and the control of the	=1	ويعلمونا لحمر وبأسرتك بأي		
Equipment	and the desired and the second	Antohol service and a service and a service		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	4.50			0.0	\$0	\$0	\$0
Engineering/construction	\$500	2-Oct-2007	7-Dec-2007	0.2	\$0	\$6	\$6
Land	. 1 . 31	fishidan belasi	<u> </u>	0,0	\$0	n/a	\$0
Record Keeping System		A THE A PERSON CHANGE AND A STREET	A CONTRACTOR OF THE PROPERTY O	0.0	\$0	n/a	\$0
Training/Sampling Remediation/Disposal				0.0	\$0	n/a	\$0
Remediation/Disposal			- 12 CONTRACTOR	0.0	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	200		أنأل لمأخ بالانتاث كحما المائلات المساور	0.0	\$0	n/a	\$0 \$0
Notes for DELAYED costs		the inve	stigation date and	final da	te is the date of co	1 4 1 7 7 °	
Avoided Cost	s ANN	UALIZE [1] avoide	d costs before e	ntering	item (except for o	one-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel	<u> </u>			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment			in the second	0.0	\$0	\$0	\$0
Financial Assurance [2]	Limentany	the state of the s	entre de la company de la comp	0.0	\$0	\$0	
ONE-TIME avoided costs [3]				1			\$0
				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	
				0.0			\$0
Other (as needed)							\$0
				0.0			\$0
Other (as needed)		\$500		0.0			\$0

Screening Date	28-Nov-2007	Docket No. 2007-1880-PST-E	PCW
Respondent	Best Mart, Inc. dba Kold Spot 37		Policy Revision 2 (September 2002)
Case ID No.	34981		PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN101564433		•
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator			
Violation Number			· · · · · · · · · · · · · · · · · · ·
Rule Cite(s)	30 Tex. Admin. Code § 334.5	50(a)(1)(A) and Tex. Water Code § 26.3475(c)(1)
Violation Description		ase detection capable of detecting a release em which contained regulated substances.	from any
RESERVE TO COMPANY TO CONTROL OF THE SECOND STREET,		Bas	e Penalty \$10,000
>> Environmental, Property a	and Human Health Matrix Harm		
Release		nor	
OR Actual			
Potential	х	Percent 25%	
Carrier and Carrier and Market Barrier (1992) the Market Barrier (1992		野家は中学生学業。東西特別的影響響線線	
>>Programmatic Matrix	Major Moderate Mir		
Falsification	Major Moderate Mir	Percent 0%	
	<u> </u>		
Matrix Notes Human heal would excee	ed levels that are protective of huma	pe exposed to significant amounts of pollutar n health or environmental receptors as a resolation. Adjustment	nts which sult of the
P. Stern Co. Land Co. A. Sandara Co.	EFF U.S. deg De line. Des Affeit des Affeit deutschliefe die Park des Effette 2004.		***************************************
			\$2,500
Violation Events			
Niversham of Vie	eletion Events	58 Number of violation da	Je
Number of vic	olation Events 1 daily monthly	Number of violation da	
mark only one with an x	quarterly x semiannual annual single event	Violation Bas	e Penalty \$2,500
One quarter		documentation of the violation during the O er 28, 2007 screening date.	ctober 2,
Economic Benefit (EB) for th	is violation	Statutory Limit Te	St. As and the second second
	d EB Amount	\$14 Violation Final Pen	alty Total \$2,250
Estimate	d EB Amount	Ψίτη Violation i inal Fer	Ψ.,200
	This vi	olation Final Assessed Penalty (adjusted	for limits) \$2,250

	G-100 Mail	conomic	Benefit W	orks	heet	ening Date 70	83187.
Respondent	Best Mart, Inc.	dba Kold Spot 37					
Case ID No.	_: 34981						
Reg. Ent. Reference No.	RN101564433						
Media	Petroleum Stora	age Tank				Michael Indodesia	Years of
Violation No.	. 3					Percent Interest	Depreciation
					97.4334	5.0	1
	Item Cost	Date Required	Final Date	Vro	Interest Saved	Onetime Costs	EB Amount
ija Kajar Činio sene pro- vija kajar kaj						Onethine Costs	ED AIIIOUIII
Item Description	No commas or \$			450'. H			
A. A							
Delayed Costs				3			
Equipment		ling the control of t		0.0	\$0	\$0	\$0
Buildings	Giraling States		باحجوج ووالنصيح بمنوعات بنائنا	0,0	\$0	\$0	\$0
Other (as needed),	da dadii. Tentil	issi gida aliqui i di diferenta di	الكند والمستراب والملك	0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	dispense saves a services	internation and the invitation		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	h/a	\$0
Remediation/Disposal				0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs Other (as needed)	\$1,500	2-Oct-2007	11-Dec-2007	0.0	, φυ \$14	n/a n/a	\$14
	u The esimaleo						
Notes for DELAYED costs			and final date i	s the dat	e of compliance.	te required is the inv	
Avoided Costs			and final date i	s the dat	le of compliance. Item (except for o	one-time avoided c	osts)
Avoided Costs			and final date i	s the dat	le of compliance. Item (except for a	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel			and final date i	ntering 0.0 0.0	item (except for a \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			and final date i	ntering 0.0 0.0 0.0	e of compliance. Item (except for a \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	osts) \$0 .\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			and final date i	ntering 0.0 0.0 0.0 0.0	item (except for a \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 .\$0 .\$0 .\$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for each of the state of	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for each of the state of	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			and final date i	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	te of compliance. Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	so \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scre	ening Date	28-Nov-2007	Dock	ket No. 2007-1880-PST-E	PCW
	-	Best Mart, Inc. dba Kold	d Spot 37		Policy Revision 2 (September 2002)
C	Case ID No.	34981			PCW Revision November 6, 2007
Reg. Ent. Ref	erence No.	RN101564433			and a second sec
Medi	ia [Statute]	Petroleum Storage Tank	k		THE PROPERTY OF THE PROPERTY O
Enf. C	oordinator	Judy Kluge			
Viola	ation Number	4			
	Rule Cite(s)		30 Tex. Admin. Cod	de § 334.7(d)(3)	
Violatior	n Description	regarding the USTs waddition. Specifically,	vithin 30 days from the , the registration was n	or any change or additional inform date of the occurrence of the cha ot updated to reflect the current re age II equipment information.	nge or
				Base	Penalty \$10,000
>> Environmental,	, Property a	nd Human Health N	/latrix		
	D.1	Harm	L. Minan		
OR	Release Actual	Major Moderat	te Minor		
O.C	Potential			Percent 0%	
5.54 94 - 1	r otornanji				
>>Programmatic M	Matrix				
	Falsification	Major Moderat	te Minor	2. 1925年 - 19	*
3.400		X		Percent 10%	· ·
Matrix Notes		100% o	f the rule requirement v	was not met.	
	es Color de Serra de Melle	matas ila 1874 - Piloti eta eta eta eta		Adjustment	\$9,000
	494.00	Let League be a la company de la company		Aujustineiru	Ψ3,000
				6	\$1,000
	engar tu li indu. Sameramente	TERRORANIA AND PART OF THE STATE OF THE STAT			***************************************
Violation Events		properties	ereszeketősévők ázostánasztáról.	namada kulu ka	
	Niverban of Visi	I-4: F4-		E7 Number of violation days	
	Number of Viol	lation Events 1		Number of violation days	3
		daily			H. Alleria
		monthly			
	mark only one	quarterly		Violation Base	Penalty \$1,000
	, with an x	semiannual			-
		annual			
		single event x			
	One single ev	ent is recommended ba	sed on documentation investigation.	of the violation during the Octobe	r 2, 2007
			, ,		
Economic Benefit	(EB) for thi	s violation		Statutory Limit Tes	
	Estimated	EB Amount	\$1	Violation Final Pena	ilty Total \$900
		· -		,	•
			This violation Fina	al Assessed Penalty (adjusted fo	or limits) \$900

a anna magailleann ann a chailleann a chairteann a chairteann a chairteann ann ann ann ann ann ann ann ann ann	Barbar E	conomic	Benefit W	lorks	sheet	SK GARCA AMERICA	408
Respondent		dba Kold Spot 37					
Case ID No.	34981						
Reg. Ent. Reference No	RN101564433						
	Petroleum Stor	age Tank					Years of
Violation No.		ago / a				Percent Interest	Depreciation
Violation ivo	Maria de la composición dela composición de la composición dela composición de la co				a transference	1	
		San distance		1.42	get a diseasonate	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	any special special	Timilion and the			The PMICE Place	
Delayed Costs	al Karaman di Sec	Balance Victoria					
Egulpment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling			governo	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a Hall	\$0
Other (as needed)	- \$100	2-Oct-2007	12-Dec-2007	0.2	\$1	n/a	\$1
Notes for DELAYED costs Avoided Costs			and final date	is the da	ite of compliance.	ate required is the inv	
Avoided Costs Disposal	and a second	IDALIZE [1] avoid	eu costs perore i	7 0.0	\$0	I \$0 I	\$0
Personnel				0.0	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	1.01		de de misso de misso de marco	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		

Screening Date	28-Nov-2007	Docket No. 2007-1880-PST-E	PCW
Respondent	Best Mart, Inc. dba Kold Spot 37		Policy Revision 2 (September 2002)
Case ID No.	34981		PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN101564433		Amount
Media [Statute]	Petroleum Storage Tank		Acceptation
Enf. Coordinator	Judy Kluge		
Violation Number			
Rule Cite(s)	30 Tex. Admin. Code § 115.246(1), (5), and (7)(A) and Tex. Health & Safety Co 382.085(b)	ode §
Violation Description	upon request by Commission personne test results, and a copy of the CARB	ne Station and make them available for ins el. Specifically, the Stage II maintenance re Executive Order were not available for rev of the investigation.	ecords,
		Base	Penalty \$10,000
>> Environmental, Property a	and Human Health Matrix		
	Harm		
Release	r		
OR Actual		B	
Potential		Percent 0%	,
>>Programmatic Matrix			
Falsification	Major Moderate Minor		
2000 Sept. 1980 1 2000 Sept. 1980 19	x	Percent 10%	na arrana ar
是 [2] [2] [2] [2] [2] [2] [2] [2] [2] [2]			
Matrix Notes	100% of the rule requir	rement was not met.	
Notes	the state of the s		
	AND THE RESIDENCE OF A MEDICAL CONTRACTOR OF THE STATE OF		40.000
		Adjustment	\$9,000
			\$1,000
Violation Events		ingeles (1890) is all language like in Silvan and silvan	acres and a constant
7 N to 1 to	[]		
Number of Vi	olation Events 1	58 Number of violation days	-
	daily monthly		
mark only one	quarterly	Violation Base	Penalty \$1,000
with an x	semiannual		
	annual		
	single event x		
	• ************************************		
One single e	vent is recommended based on docume	entation of the violation during the October	2, 2007
Single 6	investig		
	*		
Economic Benefit (EB) for th	is violation	Statutory Limit Test	
Estimate	d EB Amount	\$5 Violation Final Penal	ty Total \$900
		Sour Final Assessed Develle /adjusted Se	r limits) \$900
	inis violati	on Final Assessed Penalty (adjusted fo	. mmtəji — — — — — — — — — — — — — — — — — — —

		conomic	genetit w	orks	sneet	6\$ War allow	ang.
Respondent		dba Kold Spot 37	41.			8.0	
Case ID No.	34981					er egit	
Reg. Ent. Reference No.	RN101564433						
Media	Petroleum Stora	age Tank				Percent Interest	Years of
Violation No.	5				* * * * * * * * * * * * * * * * * * * *	Percent interest	Depreciation
					Signal was	5.0	
그 사람들은 사람들이 되었다.	Item Cost	Date Required	Final Date	AUD'	Interest Saved	Onetime Costs	EB Amour
		Date Required	Filiai Dale	Yrs	mieresi Saveu	Oneume Costs	EB Amour
Item Description	No commas or \$						
president and the second			•				
Delayed Costs			فعادان فانساران المساوات والمساوات			·	***************************************
Equipment	a a signa da ayaray.			0,0	\$0	\$0	\$0
Buildings	<u>ar Nau'a Asunyal</u>		أرجعهم فيهلم فعطفي	0.0	\$0	\$0	\$0
Other (as needed)		La Company of the Com	real transfer by the	0,0	\$0	\$0	\$0
Engineering/construction		44	t in amount of	0.0	\$0	\$0	\$0
Land	\$500	2-Oct-2007	7-Dec-2007	0.0	\$0 \$5	n/a	\$0 \$5
Record Keeping System Training/Sampling	\$600	2-Oct-2007	7-Dec-2007	0.2	\$0	n/a n/a	\$5 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0 \$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANSWER BELLES WATER		and final date is		te of compliance.	ate required is the in	vestigation d
	CONTROL SERVICE AND ASSESSMENT OF THE PROPERTY OF THE PARTY OF THE PAR			ntorina	itam laycant for	ana-tima avaidad a	octo)
		T I AVOID			COROL STORY THE A STATE OF THE ASSESSMENT OF THE STATE OF	one-time avoided c	
Disposal		CALIZE [1] avoid		0.0	\$0	\$0	\$0
Disposal Personnel		OALIZZ III avoid		0.0	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 \$0 \$0
Disposal Personnel		CALLE [1] avoid		0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment		CALLET [1] avoid		0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		L .		0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		· · · · · · · · · · · · · · · · · · ·		0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Scree	ning Date 28-Nov-2007	Docket No	o. 2007-1880-PST-E	PCW
Re	spondent Best Mart, Inc. dba k	Cold Spot 37	Policy I	Revision 2 (September 2002)
Ca	ase ID No. 34981		PCW	Revision November 6, 2007
Reg. Ent. Refe	rence No. RN101564433			
	I [Statute] Petroleum Storage T	ank		
	ordinator Judy Kluge			
	ion Number 6			a
	Rule Cite(s) 30 Tex. Admin.	Code § 115.248(1) and Tex. Hea	alth & Safety Code § 382.085(b)	
Violation	in the operation and current employe operation of the va	I maintenance of the Stage II va e received in-house Stage II trai	tive received training and instructior por recovery system and that each ining regarding the purpose and lly, Stage II training for the Station that been completed.	
	-		Base Penalty	\$10,000
>> Environmental,	Property and Human Healtl	ı Matrix		-
	Hai			
OR	Release Major Mode	erate Minor		
TATE OF THE STATE	Potential x		Percent 10%	
>>Programmatic M	atrix	· · · · · · · · · · · · · · · · · · ·		
	Falsification Major Mode	erate Minor		
			Percent 0%	
Matrix Notes			ificant amounts of pollutants which vironmental receptors as a result of	
and the property of the second	Secretary leading the second		Adjustment \$9,000	<u> </u>
				\$1,000
Violation Events	To contain in the second of			574 - 2 - 2 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3
٨	umber of Violation Events1	58	Number of violation days	
	daily			
·	mark only one with an x semiannual annual single event		Violation Base Penalty	\$1,000
	One quarterly event is recommen 2007 investigation	ded based on documentation of on date to the November 28, 200	the violation during the October 2, 07 screening date.	
				THE STATE OF STREET
Economic Benefit (EB) for this violation		Statutory Limit Test	132 132 136 136 147 T
Economic Benefit	EB) for this violation Estimated EB Amount	\$5	Violation Final Penalty Tota	ı \$900

	5-129-054 E	conomic I	Benefit W	orksh	eet	Kisaat usaa	958
		dba Kold Spot 37					
Case ID No.	34981					•	
Reg. Ent. Reference No.	RN101564433						
Media	Petroleum Stor	age Tank				Managari darah dar	Years of
Violation No.	6	ŭ				Percent Interest	Depreciation
					es assure di	5.0	1.
	Salah Sa	radia kemikita die asan Je					***************************************
and the second state of the second	Item Cost	Date Required	Final Date		nterest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			juraja en	plijita seria silika a		
Delayed Costs		idaa waa ka waxa ka	Smill appropriate the second	Minarua.	L. C. Landerson		
Equipment	distribute 600 a differenza trimpa esta	Salara Labora Na Farince	and the second second	0.0	\$0	\$0	\$0
Bulldings				0.0	.\$0	\$0	\$0
Other (as needed)	ing the second of the second	Proprieta de la proprieta policia.	311 1-21 2 1 1 8 3 C 2 T 3	0.0	\$0	\$0	\$0
Engineering/construction		Maria 128 - 25 14 27	ngtorpayan yi wasaa ma	0.0	\$0	\$0	\$0
Land	Massache de la companya de la compa			0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	2-Oct-2007	7-Dec-2007	0.2	\$5	n/a	\$5
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			and the second second second	0.0	\$0 ,,,	n/a	. \$0
Notes for DELAYED costs		st of training a Stag Date required is	the investigation (date and fir	ial date is the d	ate of compliance.	<u> </u>
Avoided Costs	AINI	NUALIZE [1] avoide	ed costs perore e		CONTRACTOR OF THE PROPERTY OF	Contract Con	
Disposal			gando decrezión exista haras, y	0.0	\$0 \$0	\$0 \$0	\$0
Personnel Inspection/Reporting/Sampling			Commence of the second of the commence of the	0,0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment	<u> </u>		A	0.0	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]			<u>artisi di alamata da kanaka</u> Majarta	0.0	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]			Andrews Transport to the Piller				
						1 &U	
I	-		4440000000000000000000000000000000000	0,0	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0	
Other (as needed)	Provide the second seco						\$0
							\$0

Compliance History

Custom	er/Respondent/Owner-Operator:	CN601585730	Best Mart, Inc.		Classification: AVERAGE	Rating: 1.02
Regulat	ted Entity:	RN101564433	KOLD SPOT 37		Classification: HIGH	Site Rating: 0.00
ID Num	ber(s):	PETROLEUM STOREGISTRATION	ORAGE TANK	REGISTRAT	TION	47025
Location	n:		OODWORTH RD, MANSF	IELD, TX, 76063	Rating Date: September 01 (07 Repeat Violator: NO
TCEQ F	Region:	REGION 04 - DFV	/ METROPLEX	· · · · · · · · · · · · · · · · · · ·		
Date Co	ompliance History Prepared:	December 12, 200	7		6	-
Agency	Decision Requiring Compliance History:	Enforcement				
Complia	ance Period:	December 12, 200	2 to December 12, 2007			
TCEQ S	Staff Member to Contact for Additional Info	rmation Regarding th	is Compliance History			
Name:	Philip DeFrancesco	Pho	ne: (817) 588-5933			
		Site Co	ompliance History Com	ponents		
1. Has t	the site been in existence and/or operation	for the full five year	compliance period?	Yes		
	there been a (known) change in ownership	of the site during the	compliance period?	No		
	s, who is the current owner?			N/A		
4. if Ye	s, who was/were the prior owner(s)?			N/A		
5. Whe	n did the change(s) in ownership occur?			N/A		
Comp	onents (Multimedia) for the Site :					
A.	Final Enforcement Orders, court judger	nents, and consent d	ecrees of the state of Texas	s and the federal (government.	
	N/A					
B.	Any criminal convictions of the state of	Texas and the federa	al government.			
	N/A					
C.	Chronic excessive emissions events.					
	N/A					
D.	The approval dates of investigations. (C	CCEDS Inv. Track. N	0.)			
	1 11/18/2003 (253799) 2 11/12/2007 (597397)					
E.	Written notices of violations (NOV). (CC	CEDS Inv. Track. No.)			
		·	,			
F.	Environmental audits. N/A					
G.	Type of environmental management sy	stems (EMSs).		•		
	N/A					
H.	Voluntary on-site compliance assessme	ent dates.				
	N/A					
l.	Participation in a voluntary pollution red	luction program.				
	N/A					
J.	Early compliance.					
	N/A				•	
Sites O	utside of Texas	*.	•			
	N/A					

Policy Revision 2 (Sep	•	n Worksheet (PCW)	on November 6, 2007
TCEA	terriber 2002)	1 Off Nevial	STITIOTE INDET 0, 2001
DATES Assigned PCW		EPA Due	
RESPONDENT/FACILITY	INFORMATION		
Respondent	Best Mart, Inc. dba Kold Spot 32		
Reg. Ent. Ref. No.	RN101544252	1.0	
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source Minor	
CASE INFORMATION		The second secon	
Enf./Case ID No.		No. of Violations 7	
	2007-1880-PST-E	Order Type 1660	
	Petroleum Storage Tank	Enf. Coordinator Judy Kluge	
Multi-Media	The state of the s	\$10,000 EC's Team Enforcement Team	0
Admin. Penalty \$	Limit Minimum 90 Maximum	\$10,000	· · · · · · · · · · · · · · · · · · ·
	Penalty Calcula	ation Section	
TOTAL BASE PENAL	_TY (Sum of violation base penaltic	es) Subtotal 1	\$21,500
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ined by multiplying the Total Base Penalty (Subtotal 1) by	v the indicated percentage	
Compliance Hist		Enhancement Subtotals 2, 3, & 7	\$430
Notes	Enhancement for one prior NOV with	n dissimilar violations.	
Culpability	No 0%	Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the	e culpability criteria.	
Good Faith Effor Extraordinary Ordinary N/A	Before NOV NOV to EDPRP/Settlement Offer	Reduction Subtotal 5	\$2,150
Notes .	The Respondent came into compliance	on December 12, 2007.	
Approx.		Enhancement* Subtotal 6 dat the Total EB \$ Amount	\$0
SUM OF SUBTOTAL	S 1-7	Final Subtotal	\$19,780
	S JUSTICE MAY REQUIRE Subtotal by the indicated percentage.	0.01% Adjustment	\$100
Notes	Recommended enhancement to capt compliance associated with \		
		Final Penalty Amount	\$19,880
STATUTORY LIMIT	ADJUSTMENT	Final Assessed Penalty	\$19,880
	기발자(1) : 기대원(2) 4시(2) , 의원(2) - 기소(2) 의 (1) 202 의 (1의 기반증기 위표(2) 20 전략		#0.070
DEFERRAL Reduces the Final Assessed Rel	nalty by the indicted percentage. (Enter number only; e.	20% Reduction Adjustment	-\$3,976
neudes de Filial Assessed Pel	naity by the indicted percentage. (Enter number only, e.	g. 20 for 20/8 feducators.)	
Notes	Deferral offered for expedite	ed settlement.	
economic and the second	I	· · · · · · · · · · · · · · · · · · ·	

\$15,904

Screening Date 28-Nov-2007

Docket No. 2007-1880-PST-E

PCW

Respondent Best Mart, Inc. dba Kold Spot 32

Case ID No. 34981

Reg. Ent. Reference No. RN101544252

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Compliance History

Notes

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

Compliance History Worksheet

Compliance History Site Enhancement (Subtotal 2) Component Number of... Adjust. Enter Number Here Written NOVs with same or similar violations as those in the current enforcement action 0 0% (number of NOVs meeting criteria) **NOVs** Other written NOVs 1 2% Any agreed final enforcement orders containing a denial of liability (number of orders 0 0% meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory 0 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting 0 0% **Judgments** criteria) and Consen Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0 በ% government Convictions Any criminal convictions of this state or the federal government (number of counts) n 0% **Emissions** Chronic excessive emissions events (number of events) 0 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) **Audits** Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a 0% No special assistance program Other Participation in a voluntary pollution reduction program 0% No Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) probability of the second of t No Adjustment Percentage (Subtotal 3) 0% >> Compliance History Person Classification (Subtotal 7) Average Performer Adjustment Percentage (Subtotal 7) Compliance History Summary

Enhancement for one prior NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Scre	ening Date	28-Nov-2007		Doc	ket No. 2007-1880-	PST-E	PCW
	Respondent		. dba Kold Sp	ot 32		Policy	Revision 2 (September 2002)
	Case ID No.					PCV	V Revision November 6, 2007
Reg. Ent. Re							THE PROPERTY OF THE PROPERTY O
	lia [Statute]		orage Lank				
	Coordinator lation Number	Judy Kluge					
VIOI	li	1 1		-			7
	Rule Cite(s)			30 Tex. Admin.	Code § 334.72		72 Acceptance of the Control of the
Violatio	on Description	Failed to Specificall	report a suspe y, inventory co	ected release to the ontrol records for release was r	ne agency within 24 ho September 2006 indic not reported.	ours of discovery. cated a suspected	
						Base Penalt	y \$10,000
>> Environmenta	I. Property a	nd Human	Health Mat	rix	all Selection of the se	3. June 194	politic constants
	yanga damam menerakan:		Harm			ephysocressors associations	ATTENNA ATTENN
	Release	Major	Moderate	Minor			0.000 A & D. MET
OR	Actual				Percent	0%	ALCOCOTE PROPERTY.
	Potential				rercent	<u> </u>	AND A Bridge Land And And And And And And And And And A
>>Programmatic	Matrix	5107					
	Falsification	Major	Moderate	Minor	**************************************		·
		Х			Percent	10%	
	[
Matrix Notes			100% of the	rule requirement	t was not met.		Taxanad data (Calabahan Andréa de Perendia)
					A disconsideral	\$9,00	0
					Adjustment [ψ9,00	<u> </u>
							\$1,000
	pano misoritani mana	graponita e escuela esc					condidate error
Violation Events	usakabka si ishis	ila sambada	district the ac	actionina difficult	water State Sales and Joseph Sales	B	
	Number of Vio	lation Events	1	[1 Number of	violation days	
	, , , , , , , , , , , , , , , , , , , ,	,		l L			
		daily					
		monthly			Vi	olation Page Popalt	\$1,000
	mark only one with an x	quarterly semiannual			VII	olation Base Penalt	.y
		annual					
		single event	X				
		RESIDENTIAL INC.		1			
	One single	event is recor		ed on documenta 2007 investigatio	ition of the violation du	uring the October 2,	
Economic Benef	it (EB) for thi	s violation			Statutory	Limit Test	
au - galarang katapasa sulah dari merapak S. Masab		Sandara and rate flore in Species - other courses - 1 .	•	£400	Violotic	n Final Penalty Tot	al \$925
	Estimated	I EB Amount	<u> </u>	\$100	violatio	п глатенану ток	
Wales to see a second			Т	his violation Fin	al Assessed Penalty	(adjusted for limit	s) \$925
Karturer oren Market		22/02/07/21/21/07/21					

Reg. Ent. Reference No. Media	Petroleum Stor	age Tank				A	Years of
Violation No.					· [make wasa]	Percent Interest	Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description	No commas or \$				A CONTRACTOR OF THE CONTRACTOR	hyatta uma	
Delayed Costs			. 1	<u> </u>	en de de la faction de la fact		
Equipment		Lance of the second		0.0	\$0	\$0	\$0
Buildings				0.0	\$0.	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System			in and	0.0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	1000	Land and the second and the		0.0	\$0	n/a	\$0
	L						
Notes for DELAYED costs Avoided Costs	ANN	UALIZE [1] avoid	erojdes († 1915) 1918 – Parks Joseph († 1915)	The Arthur Control		one-time avoided c	osts)
Avoided Costs	ANN	UALIZE [1] avoid	erojdes († 1915) 1918 – Parks Joseph († 1915)	ntering 0.0	item (except for	one-time avoided c	\$0
Avoided Costs Disposal Personnel	ANN	UALIZE [1] avoid	erojdes († 1915) 1918 – Parks Joseph († 1915)	ntering 0.0 0.0	item (except for \$0 \$0	one-time avoided c \$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoid	erojdes i vis Grandler joede pester	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoid	erojdes i vis Grandler joede pester	ntering 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	28 927 1 813	β (c)	ed costs before e	ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$100	UALIZE [1] avoid	erojdes i vis Grandler joede pester	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$100
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	28 927 1 813	β (c)	ed costs before e	ntering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Screening	Date 28-No	v-2007	***************************************	Docket N	o. 2007-1880	0-PST-E		PCW
		/lart, Inc. dba K	old Spot 32				Policy Re	vision 2 (September 2002)
	D No. 34981						PCW F	Revision November 6, 2007
Reg. Ent. Referenc	e No. RN10	1544252						
- · · · · · · · · · · · · · · · · · · ·		eum Storage T	ank					
Enf. Coordi	-							
Violation N	r	2						- ,
Rule	Cite(s)	-	30 Tex. A	dmin. Code §	334.74			
Violation Desc	Fa r iption inve	iled to investigantory control re	ate a suspected re cords for Septeml no	elease within per 2006 indie t investigated	cated a suspe	covery. Speci ected release t	fically, hat was	
						Base	Penalty	\$10,000
>> Environmental, Prop	erty and H	uman Healtl	n Matrix	2000	A STATE OF THE STA	engina (in		
		Ḥa ı	m`	imperio praincia reassi	I A SA SATA TA	T1		
500 up up a la 10 84		ajor Mode	rate Minor					
OR	Actual				Doroont	250/		
Po	otential	x]	I		Percent	25%		,
>>Programmatic Matrix		era distante e						
		ajor Mode	rate Minor		idatia			*
7 41011	l l	ajor mede	1	_	Percent	0%		
Matrix Notes Human	in health or the are protecti	e environment v	vill or could be exp ealth or environme	oosed to pollu ental receptor	utants which w	vould exceed lo		
	i jir i qarayan s	NEST TENED			Adjustmen	t	\$7,500	HARAC SPRINKLE
							Je se	\$2,500
Violation Events			eril Sali Sali Sali Sali Sali Sali Sali Sa				(Appropria	
Numbe	er of Violation	Events 5		394	Number o	of violation day	'S	
Tumbo	d	ally						
	^{h an x} semi an	rterly x annual nual e event		-	\	Violation Bas	e Penalty	\$12,500
Five o	quarterly even		ended from the rel ovember 28, 2007			October 30, 20	006 to the	
Economic Benefit (EB)	for this vio	lation			Statuto	ry Limit Te	s t	
Es	stimated EB A	mount	\$2	70	Violat	ion Final Pen	alty Total	\$11,558
LS								\$11.E==
			This violat	ion Final As	sessed Penal	Ity (adjusted f	or limits)	\$11,558

Case ID No							
Reg. Ent. Reference No	. RN101544252						
Media	Petroleum Stor	age Tank				Percent Interest	Years of
Violation No	. 2					i ercent interest	Depreciation
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description		o Parage a superior				147 (15)	
item bescription	i No commas or a	er and property of a	MANUSCLARY LATER				
Dalayad Cast	o i den ko wo wa						
Delayed Costs		1		1 00	T 60	1	- 40
Equipment Buildings				0.0	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0
Engineering/construction		++		0.0	\$0	\$0 \$0	\$0 \$0
Land	And the same of th			0.0	\$0	n/a	\$0 \$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0 \$0
Remediation/Disposal		<u> </u>		0.0	\$0	n/a	\$0 \$0
			Lancaca and the same of the sa	JI V.V	1 40	IV.a	an a
Permit Costs				0.0	0.2	n/a	
Permit Costs Other (as needed)	\$5,000 Estimated cost	30-Oct-2006 to investigate a su	28-Nov-2007 spected release. D	0.0 1.1	\$0 \$270	n/a n/a e release investigat	\$0 \$270
Other (as needed) Notes for DELAYED costs	Estimated cost	to investigate a su	spected release. E final date is t	1.1 Date req he date	\$270 ulred is the date th of compliance.	e release investigat	\$0 \$270 ion was due a
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cost	to investigate a su	spected release. E final date is t	1.1 Date req he date	\$270 ulred is the date the of compliance. item (except for a	e release investigat	\$0 \$270 ion was due a
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cost	to investigate a su	spected release. E final date is t	1.1 Date req he date ntering	\$270 ulred is the date the of compliance. Item (except for a \$0	e release investigat one-time avoided c	\$0 \$270 ion was due a
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost	to investigate a su	spected release. E final date is t	ntering	\$270 uired is the date the of compliance. Item (except for a \$0 \$0 \$0	e release investigat one-time avoided c \$0 \$0	\$0 \$270 ion was due a costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cost	to investigate a su	spected release. E final date is t	ntering	\$270 Lired is the date the of compliance. Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e release investigat one-time avoided c \$0 \$0 \$0	\$0 \$270 ion was due a costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost	to investigate a su	spected release. E final date is t	1.1 Date req he date ntering 0.0 0.0 0.0 0.0	\$270 Lired is the date the of compliance. Item (except for a solution of solution) \$0 \$0 \$0 \$0 \$0	e release investigat one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$270 ion was due a costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost	to investigate a su	spected release. E final date is t	1.1. Date req he date ntering 0.0 0.0 0.0 0.0 0.0	\$270 Lired is the date the of compliance. Item (except for or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e release investigat one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$270 sion was due a sosts) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost	to investigate a su	spected release. E final date is t	1.1 Date req he date ntering 0.0 0.0 0.0 0.0	\$270 Lired is the date the of compliance. Item (except for a solution of solution) \$0 \$0 \$0 \$0 \$0	e release investigat one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$270 ion was due a costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	to investigate a su	spected release. E final date is t	1.1. Date req he date ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$270 ulred is the date the of compliance. Item (except for compliance) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e release investigat pre-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$270 sion was due a sosts) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	to investigate a su	spected release. E final date is t	1.1. Date req he date ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$270 ulred is the date the of compliance. Item (except for compliance) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e release investigat pre-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$270 ion was due a costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	to investigate a su	spected release. E final date is t	1.1. Date req he date ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$270 ulred is the date the of compliance. Item (except for compliance) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e release investigat pre-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$270 ion was due a costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	to investigate a su	spected release. E final date is t	1.1. Date req he date ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$270 ulred is the date the of compliance. Item (except for compliance) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e release investigat pre-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$270 ion was due a costs) \$0 \$0 \$0 \$0 \$0

Programmatic Matrix Release Major Moderate Minor Actual Protential X Percent 25% Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** \$7,500 **Section** **Adjustment** **Section** **Number of Violation Events** Number of Violation Events** **One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. **Economic Benefit (EB) for this violation** Statutory Limit Test Estimated EB Amount** **Section** Estimated EB Amount** **Statutory Limit Test** **Section** **Section** **Procent** **Percent** **Percent** **Percent** **Osion** **Percent** **Osion** **Percent** **Osion** **Percent** **Osion** **Percent** **Osion** **Percent** **Osion** **Adjustment** **Section** **Adjustment** **Section** **Procent** **Osion** **Adjustment** **Section** **Section** **Osion** **Osion*	Screening	Date 28-Nov-2007	Docket	No. 2007-1880-PST-E	PCW
Reg. Ent. Reference No. RN101544252 Media [Statuto] Patientour Storage Tank Enf. Coordinator Judy Kluge Violation Number Rule Cito(s) Rule Cito(s) Rule Cito(s) Pailed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances. Also, failed to conduct recordilation of detailed inventory control records at least once each mornt sufficiently accurate to detect a release as small as the sum of 1.0 percent of the total substance Base Penalty S10.6 Senvironmental, Property and Human Health Matrix Harm Hoderate Milnor Actual Ac	Respon	dent Best Mart, Inc. dba Kold	Spot 32	Policy	Revision 2 (September 2002)
Red Statute Petroleum Storage Tank Enf. Coordinator Judy Kuge Violation Number 3 30 Tex. Admin. Code § \$344.50(a)(1)(A), (d)(1)(B)(ii), and Tex. Water Code § 26.3475(c)(1) Felied to provide a method of release detaction capable of detecting a release from any portion of the UST system which norshined regulated substances. Also, failed to conduct recordilation of detailed inventory control records at least once sech month sufficiently accurate to detact a release as small as the sum of 1,0 percent 1 the total substance. Short file to the total substance flow-through for the month plus 130 gallons. Petroleum	Case II	No. 34981		PCV	V Revision November 6, 2007
Enf. Coordinator Judy Kluge Violation Number 3 Rule Cite(s) Rule Cite(s) 30 Tex. Admin. Code § 334,50(s)(1)(A). (d)(1)(B)(ii), and Tex. Water Code § 26,3475(c)(1) Falice to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances. Also, railed to conduct reconciliation of detailed inventory control records at least one each month sufficiently accurate to detect a release as small as the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Base Penalty S10,0 Environmental, Property and Human Health Matrix Ham Release Major Moderate Minor OR Actual Potential Protective of human health or environmental receptors as a result of the violation. Notes Adjustment \$7,500 **Adjustment** **Total Configure quartery water and accurate to the Number of violation days daily monthly monthly amenals and accurate to the November 28, 2007 screening date. Cone quartery event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Estimated EB Amount \$14 Violation Final Penalty Total \$2.50 S2.50 **Control Control Co	Reg. Ent. Reference	No. RN101544252			
Enf. Coordinator Judy Kluge Violation Number 3 Rule Cite(s) Rule Cite(s) 30 Tex. Admin. Code § 334,50(s)(1)(A). (d)(1)(B)(ii), and Tex. Water Code § 26,3475(c)(1) Falice to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances. Also, railed to conduct reconciliation of detailed inventory control records at least one each month sufficiently accurate to detect a release as small as the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Base Penalty S10,0 Environmental, Property and Human Health Matrix Ham Release Major Moderate Minor OR Actual Potential Protective of human health or environmental receptors as a result of the violation. Notes Adjustment \$7,500 **Adjustment** **Total Configure quartery water and accurate to the Number of violation days daily monthly monthly amenals and accurate to the November 28, 2007 screening date. Cone quartery event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Estimated EB Amount \$14 Violation Final Penalty Total \$2.50 S2.50 **Control Control Co	Media [Sta	tute] Petroleum Storage Tank	(
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 334.50(a)(1)(A). (d)(1)(B)(ii), and Tex. Water Code § 28.3475(c)(1) Falled to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances. Also, failed to conduct reconciliation of detailed inventory control records at least once each month sufficiently accurate to detect a release as as mail as the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Parcent	=	_	·		
Violation Description Violation Description Violation Description Violation Description Violation Description Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances. Also, failed to conduct recording the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Base Penalty \$10.0 Servironmental, Property and Human Health Matrix Ham Release Major Moderate Minor Percent 25% >Programmatic Matrix Notes Palsification Major Moderate Minor Percent 0% Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2.1 Cone quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Estimated EB Amount \$14 Violation Final Penalty Total \$2.5 Violation Final Penalty Total \$2.5 Violation Final Penalty Total \$2.5 Violation Final Penalty Total \$2.5 Violation Final Penalty Total		parameter and the second secon			
Violation Description Trouting the UST system which contained regulated substances. Also, failed to conduct reconciliation of detailed inventory confort precords at least once each month sufficiently accurate to detect a release as small as the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Base Penalty \$10.0 Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Potential Falsification Major Moderate Minor Percent 0% Percent 0% Adjustment \$7,500 \$2.0 Foliation Events Number of Violation Events Number of Violation Events Number of Violation Events One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Estimated EB Amount \$14 Violation Final Penalty Total \$2.0 Violation Final Penalty Total \$2.0 Statutory Limit Test	Rule C	30 Tex. Admin. Co			
Seconomic Benefit (EB) for this violation Selease Major Moderate Minor Moderate Moderate Minor Moderate Moderate Moderate Moderate Moderate	Violation Descr	portion of the UST systematic reconciliation of detaile accurate to detect a re	em which contained regula d inventory control record lease as small as the sun	ted substances. Also, failed to conducts at least once each month sufficiently nof 1.0 percent of the total substance	et
OR Release Major Moderate Minor Actual Potential X Percent 25% > Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500		Local		Base Penalt	y \$10,000
Programmatic Matrix Falsification Major Moderate Minor Falsification Percent 0% Matrix Notes Adjustment \$7,500 \$2.5 **Tolation Events** Number of Violation Events 1 58 Number of violation days **Tolation Events** Number of Violation Events 1 58 Number of violation days **Violation Base Penalty \$2.5 **Tolation Events** One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. **Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount 514 Violation Final Penalty Total \$2.5		Harm	AND REPORT OF THE PARTY OF THE		
Potential X Percent 25% Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 **S2,5** Tiolation Events Number of Violation Events 1 58 Number of violation days 4.5** Mark only one with an x semiannual annual single event 5.5** One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. **Conomic Benefit (EB) for this violation \$2.5** Statutory Limit Test Estimated EB Amount \$14 Violation Final Penalty Total \$2.5**			e Minor		
Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2.8 Violation Events Number of Violation Events 1 58 Number of violation days Matrix Notes Falsification Final Penalty Total \$2.8 Violation Events One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Estimated EB Amount \$14 Violation Final Penalty Total \$2.9		<u></u>		Percent 25%	
Falsification Major Moderate Minor Percent 0%	FO			2070	
Falsification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Adjustment** **S7,500* **S2,5 **Ciolation Events** Number of Violation Events** **Number of Violation Events** **Adjustment** **S7,500* **S2,5 **Number of violation days* **Adjustment** **S7,500* **S2,5 **Number of violation days* **Violation Base Penalty** **S2,5 **One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. **Conomic Benefit (EB) for this violation** Estimated EB Amount** **S14* **Violation Final Penalty Total** **S2,5 **S2,6 **Conomic Benefit (EB) for this violation** **S2,6 **S2,6 **Conomic Benefit (EB) for this violation** **S2,6 **S2,6 **Conomic Benefit (EB) for this violation** **S14* **Violation Final Penalty Total** **S2,6 **S2,6 **Conomic Benefit (EB) for this violation** **Conomic Benefit (EB) for this vio	>Programmatic Matrix				
Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2.6 Tiolation Events Number of Violation Events Number of Violation Events Adjustment \$7,500		cation Major Moderat	e Minor		
Notes are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2,5 Tiolation Events Number of Violation Events 1 58 Number of violation days daily monthly quarterly x semiannual annual single event				Percent 0%	
Notes are protective of human health or environmental receptors as a result of the violation. Adjustment \$7,500 \$2,5 Fiolation Events Number of Violation Events 1 58 Number of violation days Violation Base Penalty \$2,5 With an x with an x semiannual annual single event One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Economic Benefit (EB) for this violation Estimated EB Amount \$14 Violation Final Penalty Total \$2,5	15 (A. 16				=1
Number of Violation Events Number of Violation Events 1	ANOSTI CONTO.			tors as a result of the violation.	
Number of Violation Events 1 58 Number of violation days daily				Adjustment \$7,50	\$2,500
Number of Violation Events 1 58 Number of violation days daily					
Mark only one with an x daily	iolation Events	n in Primalishi (and the Market of the Control of the	Burner Brothad Salar	
Mark only one with an x daily					
mark only one with an x Mark only one with an x Mark only one with an x Mark only one with an x Mark only one with an x Mark only one of the violation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Conomic Benefit (EB) for this violation Statutory Limit Test	Numbe	r of Violation Events 1		Number of violation days	
mark only one with an x Mark only one with an x Mark only one with an x Semiannual annual single event Semiannual annual annual single event Semiannual annual annual single event Semiannual annual annual annual single event Semiannual annual ann		vlich			•
mark only one with an x Semiannual annual single event Single		· · · · · · · · · · · · · · · · · · ·			
Semiannual annual single event One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$14 Violation Final Penalty Total \$2,3	mark or			Violation Base Penalt	y \$2,500
One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$14 Violation Final Penalty Total \$2,3					
One quarterly event is recommended based on documentation of the violation during the October 2, 2007 investigation date to the November 28, 2007 screening date. Statutory Limit Test Estimated EB Amount \$14 Violation Final Penalty Total \$2,3		annual			
2007 investigation date to the November 28, 2007 screening date. conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$14 Violation Final Penalty Total \$2,3		single event			
2007 investigation date to the November 28, 2007 screening date. conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$14 Violation Final Penalty Total \$2,3					
Estimated EB Amount \$14 Violation Final Penalty Total \$2,3	One o	quarterly event is recommended 2007 investigation of	d based on documentation date to the November 28,	n of the violation during the October 2, 2007 screening date.	
	conomic Benefit (EB)	for this violation		Statutory Limit Test	
	Fet	imated EB Amount	\$14	Violation Final Penalty Tota	al \$2,312
This violation Final Assessed Penalty (adjusted for limits) \$2,5		,		· ·	
		The region of the reserve to the region of t	This violation Final A	ssessed Penalty (adjusted for limits	s) \$2,312

	jeji jeda (deta) 🖺	conomic	Benefit W	orks	sheet	es jace o pomoc	no.
Respondent	Best Mart, Inc. o	dba Kold Spot 32					
Case ID No.	. 34981				,	(a) (b)	
Reg. Ent. Reference No.	. RN101544252						
Media	Petroleum Stora	age Tank					Years of
Violation No.						Percent Interest	Depreciation
					, position of	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs	ni eraktasii						
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	77 - 77 - 74 - 74 - 74 - 74 - 74 - 74 -		100	0.0	\$0	\$0	· \$0
Engineering/construction	er de Hilliam de		1.01.16/00	0.0	\$0	\$0	\$0
Land		11 11 11 11 11		0.0	\$0	n/a	\$0
Record Keeping System	part of the same and the same and	and the second second second	أألنا ووجعد وجراب	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	2-Oct-2007	7-Dec-2007	0.2	\$14	n/a	\$14
	The estimated	cost to provide a	method of release o	letectio	n for the USTs. Da	ate required is the in	
Notes for DELAYED costs Avoided Costs Disposal			and final date is	the da	te of compliance. Item (except for	one-time avoided o	vestigation dat
er er skriver og skriver			and final date is	the da	item (except for	one-time avoided o	vestigation dat
Avoided Costs Disposal Personnel			and final date is	ntering 0.0	item (except for \$0 \$0	one-time avoided o	vestigation dat
Avoided Costs Disposal Personnel			and final date is	the da	item (except for	one-time avoided o	vestigation dat
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			and final date is	othe da	item (except for \$0 \$0 \$0	one-time avoided o	vestigation dates
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			and final date is	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	vestigation darectors) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			and final date is	ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	vestigation da
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			and final date is	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	vestigation dat **costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			and final date is	the da 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vestigation dat **costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			and final date is	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vestigation date **costs)** **0 **0 **0 **0 **0 **0 **0

Scre	ening Date	28-Nov-2007	*************************	C	ocket No	o. 2007-1880-PST-E		PCW
R	espondent	Best Mart, Inc	. dba Kold Sp	oot 32			Policy Re	evision 2 (September 2002)
	ase ID No.						PCW F	Revision November 6, 2007
Reg. Ent. Ref	erence No.	RN101544252	2					
	ia [Statute]		orage Tank					
	oordinator	Judy Kluge						-
Viola	tion Number	4					1	
	Rule Cite(s)		;	30 Tex. Admin.	Code § 33	34.7(d)(3)		
Violation	n Description	regarding the	he USTs withi	in 30 days from e registration w	the date o	change or additional info of the occurrence of the chated to reflect the current l.	nange or	
						Bas	se Penalty	\$10,000
>> Environmental	. Property a	nd Human	Health Mat	rix	- N. A. W. C. E.			A CONTRACTOR OF THE CONTRACTOR
	, , , , opo., , , o	", M. 11 MILLION	Harm	TETS		Seeralus 1999 uli lähittiitaa laitaa laisaa ka k		
	Release	Major	Moderate	Minor				
OR	Actual						,	AND CONTRACTOR OF THE PARTY OF
	Potential					Percent 0%		
>>Drogrammatic 1	Intriv				SANSTERN.			
>>Programmatic I	Falsification	Major	Moderate	Minor	Lautidh@kast.	\$50)		*
	T disilication	x				Percent 10%		Discount
	1	h						
Matrix Notes			100% of the	e rule requirem	ent was no	ot met.		
The state of the species of the spec		i (* 1885) Krye i na jakoba seleti				Adjustment	\$9,000	
kanalistikatakiin ni marahan hittiin niistiin maraha l	******	That Milder the second returns	A PRI PAGE TO SERVE TO COME THE STREET HE STANK	CHI SALL COOPERSON SALES		33 Jan 200 W. 11 Jan 20	1	¢4.000
							Į	\$1,000
Violation Events		amarana describitor de	4484	The Part of State State of State Sta	August Steel	PACING ACCOUNTS OF THE STATE OF	Les agrantes	
- Fig. Const. St. 2556 A. A. D. Const. Wenteren		RESERVED OF CONTRACTORS	HELVITUS EQUIRADES SEAS				W. 19.1000110101100100100400	
	Number of Vic	olation Events	1		58	Number of violation da	iys	
	1	raesto AUAD Gaesal		1				
	mark only one with an x	daily monthly quarterly semiannual				Violation Bas	se Penalty	\$1,000
		annual single event	X					
	One single ev	vent is recomm	nended based	on documenta investigatio		violation during the Octob	per 2, 2007	
Economic Benefit	(EB) for th	is violation				Statutory Limit Te	est seem	
	Estimated	d EB Amount		\$1		Violation Final Per	nalty Total	\$925
							·	0005
STATE OF STREET HAVE THE		er casesare a 2		Inis violation	rınal Assı	essed Penalty (adjusted	tor limits)	\$925

		Deliciir AA	orksi	ieet	ol adod come	ata ()
Best Mart, Inc.	dba Kold Spot 32		100		1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
34981						
RN101544252						
	age Tank					Years of
	ago raint				Percent Interest	Depreciation
T				TENTOMORY OF		N. THERESON AND S.
			100	Private State Pales 25 d	gamental and a second s	**************************************
Item Cost	Date Required	Final Date	Yrs I	nterest Saved	Onetime Costs	EB Amount
No commas or \$	All) Calib Station	mical-Albert 1981			The state of the s	
					* -	
		J. M. 1964.	0.0	\$0	\$0	\$0
			0,0	\$0	\$0	\$0
		- To radional tradition of	0,0	' \$0	\$0	\$0
		Annual Color of the second	0,0	\$0	\$0	\$0
			0,0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
- province out of the control of the					n/a	\$0
					n/a	\$0
\$100	2-Oct-2007	12-Dec-2007				\$1
Estimated cos						ne investigatio
ΆΚΙΚ	IIIAI IZE [1] avoid	ad costs hafora a	ntering its	m (except for	one-time avoided c	
in a rational and a second	I I I I I I I I I I I I I I I I I I I	ou costs before c				
				80	l so l	and the second s
			0.0	\$0 \$0	\$0 \$0	\$ 0
			0,0	\$0	\$0	\$0 .\$0
		Allianos Televisias aces	0,0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
		Milyland Testal filled and the second	0,0 0,0 0,0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
		White Table 100 and 10	0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
			0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 ,\$0 \$0 \$0 \$0 \$0
			0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
			0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 ,\$0 \$0 \$0 \$0 \$0
			0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
			0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
		¥ .	0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 ,\$0 \$0 \$0 \$0 \$0
			0,0 0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 ,\$0 \$0 \$0 \$0 \$0
	34981 RN101544252 Petroleum Stor 4 Item Cost No commas or \$ \$100 Estimated cos	34981 RN101544252 Petroleum Storage Tank 4 Item Cost Date Required No commas or \$ \$100 2-Oct-2007 Estimated cost to submit an ame	34981 RN101544252 Petroleum Storage Tank 4 Item Cost Date Required Final Date No commas or \$ \$100 2-Oct-2007 12-Dec-2007 Estimated cost to submit an amended UST registra date and the final d	34981 RN101544252 Petroleum Storage Tank 4 Item Cost Date Required Final Date Yrs I No commas or \$	34981 RN101544252 Petroleum Storage Tank 4 Item Cost Date Required Final Date Yrs Interest Saved No commas or \$	Stimated cost to submit an amended UST registration form to the TCEQ. The date required is the date of compliance.

Screening	Date 28-Nov-2007		Docket No. 2007-1880-PS	ST-E	PCW
Respo	ndent Best Mart, inc.	dba Kold Spot 32		Policy Re	vision 2 (September 2002)
Case I	I D No. 34981			PCW R	evision November 6, 2007
Reg. Ent. Reference	ce No. RN101544252				DAY AND A STATE OF THE STATE OF
	atute] Petroleum Sto	rage Tank			a report a real factors
	inator Judy Kluge	•			
Violation N	<u> </u>				
Rule	Cite(s) 30 Tex. Ad		nd (7)(A) and Tex. Health and 82.085(b)	I Safety Code §	*
Violation Desc	upon reque	est by Commission persor Board Executive Order w	e Station and make them avai nnel. Specifically, a copy of th as not available for review at restigation.	e California Air	
			,	Base Penalty	\$10,000
>> Environmental, Prop	perty and Human I			25 (1985) 222248-246324	-
R	Release Major	Harm Moderate Minor			
OR	Actual				
P	otential		Percent	0%	

>>Programmatic Matrix		Madarata Minar	and the second second		and the state of t
raisii	fication Major	Moderate Minor	Percent	10%	
				1070	
Matrix Notes		100% of the rule require	ment was not met.		
	ng o s		Adjustment	\$9,000	
				Ī	\$1,000
Violation Events	este le la company de la compa	Section of the little of the l	oper Pagara Colores Colores (Colores Colores Colores Colores Colores Colores Colores Colores Colores Colores C		
Numbe	er of Violation Events	1 1	Number of vio	lation days	
ramb	er or violation Evente			y	and the second s
	daily				La della constanti di Caracteria di Caracter
	monthly.			,	A
	only one quarterly		Viola	tion Base Penalty	\$1,000
with	n an x semiannual				1
	annual single event	X		¥	AND
	single evenu		ı		ATTIONNE
One s	single event is recomm	ended based on documen investigation	tation of the violation during to	he October 2, 2007	
Economic Benefit (EB)	for this violation		Statutory L	imit Teşt	
_	-4:4-JED A	.	N:-1-4: F	inal Benalty Total	\$925
Es	stimated EB Amount	\$1	violation F	Final Penalty Total	φσΖΟ
		This violatio	n Final Assessed Penalty (a	djusted for limits)	\$925
Establishment of the second of					

	. Segment E	conomic	Benefit W	orks	sheet	Si da Gunane	
Respondent	Best Mart, Inc.	dba Kold Spot 32					
Case ID No.	34981						
Reg. Ent. Reference No.	RN101544252						
	Petroleum Stor	age Tank					Years of
Violation No.		ago raint				Percent Interest	Depreciation
Violation No.	. 0				er i sagana ya	5.0	
		. Sala da Garago	Land of Land at	rid July			1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment	4			0.0	\$0	\$0	\$0
Bulldings		e stage and	وفيش والهيئي والمسألات وأمرون	0,0	\$0	\$0	\$0
Other (as needed)		Langierie en	والتنائيس والأرواني	0.0	\$0	\$0	\$0
Engineering/construction			- Section - Sect	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	2-Oct-2007	7-Dec-2007	0.2	\$5	, n/a	. \$5
Training/Sampling				.0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	A COLOR			0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs Disposal	erne was een		date and the final d	ate is th	ie date of complian	ne date required is to ce. one-time avoided c	_
Personnel				0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	11 11 11 1	TYPE TO THE TOTAL PROPERTY OF THE TANK		0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)			76 T.	0.0	\$0	\$0	\$0
Notes for AVOIDED costs					···		
	and the second of the second o	Alpha i magain a desire a superior de la companya d			the state of the s		

Screen	ing Date	28-Nov-2007			Docket N	o. 2007-188	0-PST-E	00000000000000000000000000000000000000	PÇW
	-	Best Mart, Inc	. dba Kold Sp	ot 32				Policy Re	vision 2 (September 2002)
Cas	e ID No.	34981						PCW R	evision November 6, 2007
Reg. Ent. Refere	ence No.	RN101544252	2						
Media	[Statute]	Petroleum Sto	rage Tank						000000000000000000000000000000000000000
		Judy Kluge	_						
	n Number	6							
Ri	ule Cite(s)	30 Tex. A	dmin. Code §	115.248(1)	and Tex. He	alth & Safety	Code § 382	.085(b)	
Violation De	escription	current er	ire that at leas ion and maint nployee recei f the vapor rec representativ	enance of th ved in-house covery syste	e Stage II va e Stage II tra m. Specifica	apor recovery iining regardii illy, Stage II ti	system and ng the purpo raining for th	that each see and	
	b.						Ва	se Penalty	\$10,000
>> Environmental, P	roperty a	nd Human	Health Mati Harm	ix	n i nice suc	446557			
	Release	Major	Moderate	Minor					A TATALOGRAPHICA
OR	Actual								***************************************
	Potential		X			Percent	10%		1
		occide a specificant by ATPA CID	neses anno e e casas.	ene enementario de la	Jacks 1994/1999				THE OF THE PERSON
>>Programmatic Ma	Acceptance of the Assessment of			energia de la composición dela composición de la composición de la composición dela composición dela composición dela composición de la composición dela composición de la composición de la composición de la composición dela composición	er pojekanike)				-
Fa	alsification	Major	Moderate	Minor	== 1	D	00/	7	
TO DESCRIPTION OF THE PROPERTY		<u> </u>				Percent	0%		
	luman heali	th or the enviro	onment will or	could be exi	posed to sign	nificant amou	nts of pollut	ants which	
Matrix w	ould not ex	ceed levels that	at are protectiv	e of human	health or en	vironmental i	receptors as	a result of	
Notes				the violat					
-									ADATE
and the second s		purpose and an implemental in	d horstidoet sintela	AND SOUTH AND DESCRIPTION	a de la compania del compania del compania de la compania del compania del compania de la compania del compania	Adjustmen	t	\$9,000	
								Г	\$1,000
									\$1,000
Violation Events	المنافرة ويقلل	r i i i i i i i i i i i i i i i i i i i	galagaaa gaaala	i. Sichert	alas iris	The second second	and transfer	en process sommer and	
	Silversia successor de la colo			and the state of t				SEERICO SCHOOLS	
Nu	mber of Vic	lation Events	1		58	Number o	of violation d	lays	
		12							
		daily							
,		monthly				_		, r	£4,000
m	ark only one	quarterly	X			'	Violation Ba	ase Penalty	\$1,000
	with an x	semiannual							
		annual single event							
,	ı	Single evening							
	One quarter	ly event is reco	ommended ba	sed on docu	ımentation o	of the violation	during the	October 2,	v
		2007 inve	stigation date	to the Nove	mber 28, 20	U/ screening	date.		
Economic Benefit (E	B) for th	is violation			Post St.	Statuto	ry Limit T	est	
	Ectimates	d EB Amount		•	55	Violat	ion Final Pa	enalty Total	\$925
	Esumated	i ED Amount		Ψ	=	Violat	ion i mai re	indity Total	4020
			- 	This violatio	on Final Ass	essed Penal	lty (adjusted	d for limits)[\$925

	bel Riverika (🖻	conomic l	Benefit W	orks	sheet	SC, SAS G. YELLERYAK	11.043
Respondent	Best Mart, Inc.	dba Kold Spot 32					
Case ID No.	34981						
Reg. Ent. Reference No.	RN101544252						,
	Petroleum Stora	age Tank					Years of
Violation No.		ago raint				Percent Interest	Depreciation
Violation No.	U				1 - 1 - 1 - 10 (sc/2) a/fb		
		Longitude Market 1			And distance in the con-	5.0	1:
	Item Cost		Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	d Pool Headille &		illus de	TREATIVE NOT OF	(a)ent3 ovist	
Delayed Costs	on district for cooks	and his of trade in the second	y a diagram as your	Aldrew vis	and the state of t	- 100 5	
Egulpment		en a care e elemento de la compansión de		0.0	\$0	\$0	\$0
Bulldings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land			STRIE OF THE STR	0,0	\$0	n/a	\$0
Record Keeping System	ile strance to	200-200-4-000	A CONTRACTOR OF THE CONTRACTOR	0.0	\$0	n/a	\$0
Training/Sampling	\$500	2-Oct-2007	7-Dec-2007	0.2	\$5	n/a	\$5
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs			v is districted to the con-	0.0	\$0	n/a	- \$0
Other (as needed)			STEP STATE OF STATE O	0.0	\$0	n/a	\$ 0
Notes for DELAYED costs	Т	he date required is	the investigation	in the c	pperation and main d the final date is th	tenance of the Stag ne date of complianc	e II equipment. ce.
Notes for DELAYED costs Avoided Costs	Т	he date required is	the investigation	in the c date and	operation and main d the final date is the litem (except for	tenance of the Stag ne date of compliand one-time avoided c	e II equipment. ce. costs)
Notes for DELAYED costs Avoided Costs Disposal	Т	he date required is	the investigation	in the codate and	operation and main d the final date is the item (except for \$0	tenance of the Stag ne dàte of compliand one-time avoided c \$0	e II equipment. ce. costs)
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Screening Dat	e 28-Nov-2007	Docl	ket No. 2007-1880-PST-E		PCW
Responden	t Best Mart, Inc. dba Kol	d Spot 32		Policy Revis	sion 2 (September 2002)
Case ID No	34981			PCW Rev	vision November 6, 2007
Reg, Ent. Reference No	RN101544252				
Media [Statute	Petroleum Storage Tan	ık			
Enf. Coordinato					-
Violation Number	r 7				•
Rule Cite(s	30 Tex. Admin. Co	de § 115.222(1) and Te	ex. Health & Safety Code § 382.0	085(b)	
Violation Descriptio	submerged fill tubes	s within six inches from	irements by failing to properly in the bottom of the tank. Specifica d super unleaded tank had eleve ottom of the tanks.	ally, the	
			Bas	se Penalty	\$10,000
>> Environmental, Property	and Human Health	Matrix	Tarana a taran da kabatan da kaba		-
도와 발표하다 발생하다면서 전기가 함께서 하고싶네. (1922년 1922년) 요즘 그렇게 되었다.	Harm		kinko (s. 1904). Jakob kusuli sisa o ulumba basu un ilikok biska usa santu kusa birak. Kanangan		
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OR Actu	ļ				
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raisincation	n Major Modera		Percent 0%		-
			- Crocin		
CONTROL BANK					
Matrix Human hea	Ith or the environment will	or could be exposed to	pollutants which would exceed	levels that	
Notes are	protective of human hea	Ith or environmental rec	ceptors as a result of the violatio	n.	111111111111111111111111111111111111111
` L					
			Adjustment	\$7,500	1
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				<u></u>	\$2,500
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Violation Events		220000000000000000000000000000000000000		M. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	
	[58 Number of violation da	u/e	
			100 Notation da	iys	
	daily				
	monthly				
mark only one			Violation Bas	se Penalty	\$2,500
with an x	semiannual				
	annual				
	single event				
	- Company Control of				
One quart	orly avant is recommende	ad based on documents	ation of the violation during the C	ctober 2	
One quart	2007 to th	ne November 28, 2007	screening date.	, O(ODO) 2,	
Economic Benefit (EB) for t	his violation		Statutory Limit Te	st	
Estimat	ed EB Amount	\$7]	Violation Final Per	nalty Total	\$2,312
Estimat	ed LD Amount	Ψ1]	FIGURION I MAI I CI		
		This violation Fina	al Assessed Penalty (adjusted	for limits)	\$2,312

Reg. Ent. Reference No. Media Violation No.	Petroleum Stora	age Tank				Percent Interest	Years of Depreciation
					. Alphacest (A)	5.0	. *
The state of the state of the state of	Item Cost	Date Required	Final Date	Yrs I	nterest Saved	Onetime Costs	EB Amou
Item Description	1 No commas or \$	Sav. Facilities	ona (Historia) 🦸	Palatat de Princ	nisAsianida (ikasi		
Delayed Costs	Mark the same of t		<u>Links and a said and a state</u>				
Equipment	200	n on a superior of the state of		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	The second second		and the second	0.0	\$0	\$0	\$0
Engineering/construction	\$500	2-Oct-2007	11-Dec-2007	0.2	\$0	\$6	\$7
Land .				0.0	\$0	n/a	\$0
Record Keeping System		23		0.0	\$0	n/a	\$0
			and address of the control of the co	0.0	\$0	n/a	\$0
Training/Sampling	The second districts of the se						
Remediation/Disposal	- O - O - O - O - O - O - O - O - O - O			0.0	\$0	n/a	\$0
Remediation/Disposal Permit Costs			The state of the s	0.0	\$0 \$0	n/a n/a	\$0 \$0
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Compliance History

Customer/	Respondent/Owner-Operator:	CN601585730	Best Mart, Inc.		Classification: AVERAGE	Rating: 1.02
Regulated	Entity:	RN101544252	KOLD SPOT 32		Classification: AVERAGE	Site Rating: 0.75
ID Number	(s):	PETROLEUM STO	DRAGE TANK	REGISTRAT	TION	14194
Location:			57 N, MANSFIELD, TX, 7	76063	Rating Date: September 01 0 NO	77 Repeat Violator:
TCEQ Reg	ion:	REGION 04 - DFW	/ METROPLEX			
Date Comp	oliance History Prepared:	December 11, 200	7			
Agency De	cision Requiring Compliance History:	Enforcement				V
Complianc	e Period:	December 11, 200	2 to December 11, 2007			
TCEQ Stat	f Member to Contact for Additional Informa Philip DeFrancesco		Compliance History one: (817) 588-5	933		
		Site 0	Compliance History C	omponents		
1. Has the	site been in existence and/or operation for	the full five year cor	npliance period?	Yes		
2. Has ther	e been a (known) change in ownership of	the site during the co	ompliance period?	Yes		
3. If Yes, w	ho is the current owner?			Best Mart, I	inc.	
				Best Mini M		•
4. if Yes, v	who was/were the prior owner(s)?			Vista Stores,		•
				FV-I, Inc.		
5. When d	id the change(s) in ownership occur?			10/17/2003		
Compone	ents (Multimedia) for the Site :					
A.	Final Enforcement Orders, court judgeme	nts, and consent dec	rees of the state of Texa	s and the federal gove	mment.	
	N/A					,
В.	Any criminal convictions of the state of Te	xas and the federal (government.			
•	N/A ·		•			
C.	Chronic excessive emissions events.			•		
	N/A					
D.	The approval dates of investigations. (CC	EDS Inv. Track. No.)				
	1 11/18/2003 (252640)					•
	2 06/23/2004 (288519)					
	3 02/10/2005 (292783)		•	•		
	4 11/02/2007 (597387)					
E	Written notices of violations (NOV). (CCE					
	Date: 06/23/2004 (288519))				
	Self Report? NO	t 07 Cb.Obt1		Classification: Mod	erate	
		ter 37, SubChapter I ter 37, SubChapter I	, ,			
			ABLE FÌNANCIAL ASSU	RANCE.		
F.	Environmental audits. N/A					
G.	Type of environmental management syste	ems (EMSs).				
	N/A					
н.	Voluntary on-site compliance assessment	dates.				
- • •	N/A					
1		tion program				
I.	Participation in a voluntary pollution reduc	uon program.				
	N/A					
J.	Early compliance.					
	N/A					

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	
ENFORCEMENT ACTION	§	•
CONCERNING	§	BEFORE THE
BEST MART, INC. DBA KOLD SPOT	§	
32 AND KOLD SPOT 37	§	TEXAS COMMISSION ON
RN101544252	§	
RN101564433	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1880-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates two convenience stores with retail sales of gasoline at the following locations ("the Stations"):
 - a. Kold Spot 32, located at 1207 Highway 157 North in Mansfield, Tarrant County, Texas (the "Kold Spot 32 Station"), and
 - b. Kold Spot 37, located at 7414 Rendon Bloodworth Road in Mansfield, Tarrant County, Texas (the "Kold Spot 37 Station").
- 2. The Respondent's seven underground storage tanks ("USTs") at the Stations are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Stations consist of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37 DOCKET NO. 2007-1880-PST-E Page 2

- 4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about November 7, 2007 and November 18, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Seven Thousand Nine Hundred Eighty Dollars (\$27,980) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Forty-Nine Dollars (\$649) of the administrative penalty and Five Thousand Five Hundred Ninety-Six Dollars (\$5,596) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-One Thousand Seven Hundred Thirty-Five Dollars (\$21,735) of the administrative penalty shall be payable in 35 monthly payments of Six Hundred Twenty-One Dollars (\$621) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Stations:
 - a. Kold Spot 32 Station:
 - i. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent implemented a process for reporting a suspected release on December 12, 2007;
 - ii. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent investigated the suspected release and implemented appropriate corrective measures on November 28, 2007;

Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37

DOCKET NO. 2007-1880-PST-E

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- iii. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent began conducting proper inventory control procedures and implemented a release detection method on December 7, 2007;
- iv. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent submitted an amended UST registration to the TCEQ on December 11, 2007;
- v. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent began maintaining Stage II records on-site on December 7, 2007:
- vi. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that one Station representative successfully completed the required Stage II training and each current employee received in-house Stage II training on December 7, 2007; and
- vii. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent properly installed drop tubes on December 11, 2007.

b. Kold Spot 37 Station:

- i. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent began conducting proper inventory control procedures and implemented a release detection method on December 11, 2007;
- ii. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent installed appropriate devices to prevent loosening or overtightening of the Stage I equipment on December 7, 2007;
- iii. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent implemented a release detection method on December 11, 2007;
- iv. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent submitted an amended UST registration to the TCEQ on December 12, 2007;
- v. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent began maintaining Stage II records on-site on December 7, 2007; and
- vi. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that one Station representative successfully completed the required Stage II training and each current employee received in-house Stage II training on December 7, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the

Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37

DOCKET NO. 2007-1880-PST-E

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Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Kold Spot 32 Station, the Respondent is alleged to have:

- 1. Failed to report a suspected release to the agency within 24 hours of discovery, in violation of 30 Tex. ADMIN. CODE § 334.72, as documented during an investigation conducted on October 2, 2007. Specifically, inventory control records for September 2006 indicated a suspected release was not reported.
- 2. Failed to investigate a suspected release within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74, as documented during an investigation conducted on October 2, 2007. Specifically, inventory control records for September 2006 indicated a suspected release that was not investigated.
- 3. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, in violation of 30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on October 2, 2007.
- 4. Failed to conduct reconciliation of detailed inventory control records at least once each month sufficiently accurate to detect a release as small as the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(ii) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on October 2, 2007.
- 5. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. Admin. Code § 334.7(d)(3) as documented during an investigation conducted on October 2, 2007. Specifically, the registration was not updated to reflect the current release detection method.
- 6. Failed to maintain Stage II records at the Station and make them available for inspection upon request by Commission personnel, in violation of 30 Tex. ADMIN. CODE § 115.246(1), (7)(a), and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 2, 2007. Specifically, a copy of the California Air Resources Board ("CARB") Executive Order was not available for review at the time of the investigation.
- 7. Failed to ensure that at least one Station representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system and that each current employee

Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37

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DOCKET NO. 2007-1880-PST-E

received in-house Stage II training regarding the purpose and operation of the vapor recovery system, in violation of 30 Tex. ADMIN. CODE § 115.248(1) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 2, 2007. Specifically, Stage II training for the Station representative had not been completed.

8. Failed to comply with emission control requirements by failing to properly install the submerged fill tubes within six inches from the bottom of the tank, in violation of 30 Tex. ADMIN. CODE § 115.222(1) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 2, 2007. Specifically, the submerged drop tubes on the mid grade and super unleaded tank had eleven inches clearance from the bottom of the tanks.

As owner and operator of the Kold Spot 37 Station, the Respondent is alleged to have:

- 1. Failed to conduct effective manual or automatic monthly inventory control procedures for the USTs at the Station, in violation of 30 Tex. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on October 2, 2007.
- 2. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order and free of defects that would impair the effectiveness of the system, in violation of 30 Tex. ADMIN. CODE § 115.242(3)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 2, 2007. Specifically, the devices were not installed to prevent loosening or over tightening of the Stage I equipment.
- 3. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, in violation of 30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on October 2, 2007.
- 4. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. ADMIN. Code § 334.7(d)(3), as documented during an investigation conducted on October 2, 2007. Specifically, the registration was not updated to reflect the current release detection method, Stage I, and Stage II equipment information.
- 5. Failed to maintain Stage II records at the Station and make them available for inspection upon request by Commission personnel, in violation of 30 Tex. ADMIN. CODE § 115.246(1), (5), and (7)(A) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 2, 2007. Specifically, the Stage II maintenance records, test results, and a copy of the CARB Executive Order were not available for review at the time of the investigation.
- 6. Failed to ensure that at least one Station representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system and that each current employee received in-house Stage II training regarding the purpose and operation of the vapor recovery system, in violation of 30 Tex. ADMIN. CODE § 115.248(1) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on October 2, 2007. Specifically, Stage II training for the Station representative and the employees had not been completed.

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III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37, Docket No. 2007-1880-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Stations operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

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facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	8/25/2008 Date
attached Agreed Order on behalf of the entity indica	ached Agreed Order. I am authorized to agree to the sted below my signature, and I do agree to the terms ledge that the TCEQ, in accepting payment for the station.
 timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications su Referral of this case to the Attorney General penalties, and/or attorney fees, or to a collection of the impact /li>	al's Office for contempt, injunctive relief, additional ion agency; t actions; Office of any future enforcement actions; and aw.
Signature Signature	3/31/08 Date
Name (Printed or typed) Authorized Representative of Best Mart, Inc. dba Kold Spot 32 and Kold Spot 37	Title Parksident.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.